

Draft Rule Language

WAC 246-282-006

Vibrio Control Plan

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Submittal Form Summary

Summary of Description of Problem	Proposed Solution	Resolution
The potential last-minute nature of time reductions and closures based on temperatures.	Allow another method for temperature collection so advance notice to harvesters is possible.	Work with individual harvesters on waivers as needed, allow a seven day average be used in the place of temperature at time of harvest.
The landings data reporting is too infrequent.	Require daily landings by parcel number reported weekly.	Since the management units are by growing area, parcel numbers are not required. DOH cannot handle the workload associated with more frequent and detailed landings collection.
Confirmation that oyster for “shucking only by a certified dealer” or “PHP only by a certified dealer” are exempt from sections 3–18.		This is an accurate interpretation.
Timeline for moving forward with a new rule seems rushed, training in time will be difficult and the industry needs more time to adapt to the new rule.	Review 2014 data, train the industry in 2015, and aim for a new rule to go into effect for 2016.	The process has not been rushed, we have been in rulemaking for nearly two years and there will always be a desire for more data and more time. There will be a steep learning curve for both the industry and DOH with the new rule, but that will always be the case given the seasonal nature of Vibrio.

Submittal Form Summary (continued)

Summary of Description of Problem	Proposed Solution	Resolution
There is no data to support the water temperatures for the risk categories and as written would close Hood Canal for 1 / 3 of the year.	The language should incorporate large minus tides and not water temperature. The move from time to time to 50F is enough of a reduction.	VpAC discussed using large minus tides and using water temperature and consistently decided to use water temperature as a control. It was agreed that the air temperature restrictions combined with water temperature closures likely address minus tides when they occur with heat waves. The water temperature data is directly supported by an analysis of three years of data associated with single source illnesses. As the closures only apply to the months of July and August, at most a growing area could be closed for two months based on temperatures, not 1 / 3 of the year. In addition, not all Hood Canal growing areas are in the higher risk categories.
Wet storage requirement in section 18 is too long.	Revise requirement to 5 days.	14 days was agreed to in a prior VpAC meeting where this section was discussed. It was agreed that for abused product, 14 days would allow the oyster to either purge or die.
Remove “harvest method” from section (18)(c).		Removed.

Submittal Form Summary (continued)

Summary of Description of Problem	Proposed Solution	Resolution
Definition for “harvest temperature” is confusing.	Add “or internal tissue temperature” to the definition.	Revised and clarified (8)(c) for consistency.
Coastal areas should not get a free pass for 5 years, can understand starting at Category 1, but going forward should be illness-based.	Have the coastal areas start as Category 1 assuming no illnesses for the previous 5 years, but then count future illnesses the same as other growing areas.	Revised, DOH agrees that the intent is to begin the coastal areas in Category 1 given the greater stringency of that category compared to current controls and the interest to see if Category 1 is sufficient to control illnesses from coastal areas. The revision attempts to retain that interest, but allow the coastal growing areas to move up based on illnesses.
Why are all air temperatures 90°F when they used to be 90°F, 85°F and 80°F?	Return air temperatures to 90°F, 85°F and 80°F.	Revised.
The thermometer calibration requirements are too infrequent.	Thermometer calibration should be done prior to each use.	Although more frequent calibration is encouraged, a weekly requirement is a reasonable balance between ensuring accuracy and not creating an undue burden.

Discussion

Timeline

- ▶ October 8: Environmental Health Committee briefing
- ▶ November 12: State Board of Health briefing
- ▶ January 21: File rule
- ▶ March 11: State Board of Health Hearing
- ▶ March 31: File CR-103
- ▶ May 1: Rule effective